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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-953**

13 **MARYANN JOHNSON**  
14 **592 Buena Vista Drive**  
**Lillian, AL 36549**

**A C C U S A T I O N**

15 **Registered Nurse License No. 737112**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On September 22, 2008, the Board of Registered Nursing issued Registered Nurse  
24 License Number 737112 to Maryann Johnson (Respondent). The Registered Nurse License was  
25 in full force and effect at all times relevant to the charges brought herein and expired on June 30,  
26 2012, and has not been renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

....

## COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not

1 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
2 may be included in a stipulated settlement.

3 **CAUSE FOR DISCIPLINE**

4 **(Out Of State Discipline)**

5 8. Respondent has subjected her Registered Nurse License to disciplinary action  
6 under Code section 2761, subdivision (a)(4), in that her license to practice nursing in Florida was  
7 disciplined by the State of Florida Board of Nursing (Florida Board) in a disciplinary action,  
8 which resulted in the revocation of her license. The circumstances are as follows:

9 9. The Florida Board issued license number RN 9263890 to Respondent to practice  
10 as a registered nurse in the State of Florida, which expired on April 30, 2011.

11 10. On October 27, 2011, the State of Florida Department of Health (DOH) took  
12 disciplinary action against Respondent's registered nurse license in a matter entitled, *Department*  
13 *of Health, Petitioner, v. Maryann Johnson, R.N., Respondent, Case No. 2011-05988*, by filing an  
14 Administrative Complaint against her under Florida Statutes (FS), Chapters 464 and 456, section  
15 20.43, nursing practice regulation. Respondent was charged with violation of FS, section  
16 464.018, subdivision (1)(c), being convicted of a crime in any jurisdiction which directly relates  
17 to the practice of nursing or to the ability to practice nursing, in that on February 17, 2011, in a  
18 criminal proceeding entitled *The United States of America v. Maryann Johnson*, in the United  
19 States District Court, Southern District of Alabama, Mobile Division, case number 1:10-CR-  
20 00167-001, Respondent was convicted on her plea of guilty to violating title 18 of the United  
21 States Code (USC) section 1028A, subdivision (a), aggravated identity theft. Respondent was  
22 also charged with violation of FS, section 456.072, subdivision (1)(x), for failure to report in  
23 writing to the Florida Board the fact of her conviction within 30 days from the date of conviction

24 11. The facts that led to the discipline action are set forth in paragraph 10, above,  
25 which are incorporated by reference. Respondent had been served with the Administrative  
26 Complaint and had not filed an Election of Rights. On June 8, 2012, at a duly-noticed public  
27 hearing, Respondent was not present, failed to reply to the Administrative Complaint, and failed  
28 to contest the factual allegations.

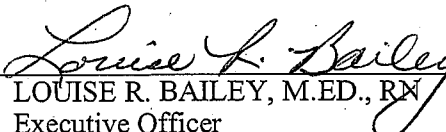
12. On June 29, 2012, the Florida Board found Respondent in violation of FS sections 456.072, subdivision (1)(x) and 464.018, subdivision (1)(c), and issued a Final Order revoking her license pursuant to FS sections 464.018, subdivision (2) and 456.072, subdivision (2). On July 2, 2012, the Florida Board filed the Final Order with the DOH Deputy Agency Clerk and served a true and correct copy on Respondent.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 737112, issued to Maryann Johnson;
2. Ordering Maryann Johnson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: April 23, 2013

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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